IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 175 OF 2003.

Malwani Konark Co-op Hsg.Soc.Ltd. ... Appellant.

V/s.

M/s.Amol Constructions & anr. ... Respondents.

A.J.Rege for the appellant.

J.Xavier for respondent No.2.

CORAM : A.S.Oka, J.

DATED : 24th January, 2005

P.C. :

. Learned counsel appearing for the appellant states that appeal from order under order 43 of Code of Civil Procedure, 1908 is not maintainable for challenging impugned order. He, therefore, seeks permission to withdraw the appeal with liberty to adopt appropriate proceedings.

2. In view of this statement, appeal is dismissed as withdrawn. Dismissal of the appeal will not preclude the appellant from challenging the impugned order by adopting appropriate proceedings.

3. All the concerned to act on an authenticated copy of this order.

. C.C.expedited.

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